

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT E. LEVY, D.M.D., LLC;)
VANESSA N. KELLER D.M.D. & TRISHA)
M. YOUNG D.M.D., P.C.; RIVKA)
GOLDENHERSH D.M.D., LLC; and)
FARHAD MOSHIRI, AND MAZYAR)
MOSHIRI, D.M.D., M.S., P.C., dba Moshiri)
Orthodontics, on behalf of themselves and all)
others similarly situated,)

Plaintiffs,)

v.)

HARTFORD FINANCIAL SERVICES)
GROUP INC., DBA THE HARTFORD,)
HARTFORD CASUALTY INSURANCE)
COMPANY, SENTINEL INSURANCE)
COMPANY, LIMITED and TWIN CITY)
FIRE INSURANCE COMPANY)

Defendants.)

Case No.: 4:20-cv-00643-SRC

**DEFENDANTS' CONSENT MOTION FOR THE PARTIES TO BE GRANTED LEAVE
TO FILE MEMORANDA IN EXCESS OF PAGE LIMIT**

Pursuant to E.D. Mo. Rule 4.01(D) of the Local Rules for the United States District Court for the Eastern District of Missouri, Defendants Hartford Casualty Insurance Company ("Hartford Casualty"), Sentinel Insurance Company, Ltd. ("Sentinel"), and Twin City Fire Insurance Company ("Twin City") (collectively, "Defendants") hereby move with the consent of Plaintiffs for the entry of an Order granting all parties leave to exceed by up to 10 pages the 15 page limit specified in E.D. Mo. Rule 4.01(D) for their respective memoranda filed in support of or in opposition to Defendants' Motion For Judgment On The Pleadings. In support of its Motion for Leave, Defendants state as follows:

1. This suit is one of the hundreds, if not thousands of lawsuits filed across the country seeking relief from insurers for losses attributed to the novel coronavirus (SARS-CoV-2).

2. Defendants have prepared the motion for judgment on the pleadings in this matter that counsel mentioned during the conference with this Court on November 20, 2020. Because the memorandum in support of that motion exceeds the 15-page limit specified in the Court's Local Rules, Defendants have attached a copy of their motion hereto as Exhibit 1, and attached a copy of their proposed Memorandum of Law In Support of Defendants' Motion for Judgment on the Pleadings ("Defendants' Memo") as Exhibit 2. Because Defendants' Memo has exhibits that are to be attached to it, Defendants have attached those exhibits hereto as Exhibits A to D.

3. As noted above, this Court's Local Rules provide, in relevant part:

(D) No party shall file any motion, memorandum, or brief which exceeds fifteen (15) numbered pages, exclusive of the Table of Contents, Table of Authorities, signature page, and attachments, without leave of Court. Statements of material fact filed pursuant to paragraph (E) of this rule are not subject to this page limit.

E.D. Mo. L.R. 4.01(D).

4. The parties respectfully submit that, for the purposes of Defendants' Motion for Judgment on the Pleadings, the parties require and the Court would benefit from the filing of memoranda in excess of the limit specified in E.D. Mo. L.R. 4.01(D).

5. Additional pages are warranted based on the complexity of the case. Plaintiffs' 51-page Amended Class Action Complaint (ECF No. 17) consists six counts seeking relief under different coverages included in five insurance policies.

6. Additional pages also are warranted due to the extensive, and rapidly developing body of decisions in other Covid lawsuits from around the country.

7. Defendants' attached Motion for Judgment on the Pleadings is within the 15-page limit specified by E.D. Mo. L.R. 4.01(D). Defendants' attached Memorandum of Law In Support

of Defendants' Motion for Judgment on the Pleadings exceed the 15-page limit specified by E.D. Mo. L.R. 4.01(D), but complies with the modified page limitation requested in this motion.

8. Defendants' attached Memorandum of Law In Support of Defendants' Motion for Judgment on the Pleadings also complies with this Court's requirement that, where the Court grants leave to exceed the page limitation, the brief in question shall "have a table of contents and table of authorities."

9. This Motion for Leave seeks additional pages to provide more complete information to the Court, not for any improper purpose. No party will be prejudiced by the relief sought herein.

10. Counsel for Defendants contacted counsel for Plaintiffs, and the latter consents to the relief requested in this motion.

11. Accordingly, Defendants, with the consent of Plaintiffs, respectfully request that the Court grant all parties leave to exceed the 15-page limit specified by E.D. Mo. L.R. by up to 10 additional pages.

WHEREFORE, Defendants respectfully pray that the Court issue an Order granting all parties leave to exceed, by up to 10 pages, the 15 page limit specified in E.D. Mo. Rule 4.01(D) for their respective memoranda filed in support of or in opposition to Defendants' Motion For Judgment On The Pleadings, and that the Court provide such further relief as it may deem just and proper.

Dated: December 1, 2020

Respectfully submitted,

By: /s/ Patrick J. Kenny

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***Attorneys for Hartford Casualty Insurance
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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of December 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which sent notification of such filing to the following:

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/s/ Patrick J. Kenny
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